

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

In re:

MOUNTAIN EXPRESS OIL COMPANY, *et al.*,

Debtors.¹

Chapter 11

Case No. 23-90147 (DRJ)

(Jointly Administered)

**AD HOC GROUP OF C-STORE OPERATORS' JOINDER IN SUPPORT OF
EMERGENCY MOTION FOR EXTENSION OF DEADLINE TO FILE
PROOFS OF CLAIM WITH CERTIFICATE OF SERVICE
AND NOTICE OF OPPORTUNITY FOR HEARING
[Relates to Doc. 1378]**

The group of 48 convenience stores with pre-petition relationships with the Debtors (the “Ad Hoc Group of C-Store Operators”) hereby join the *Emergency Motion for Extension of Deadline to File Proofs of Claim with Certificate of Service and Notice of Opportunity for Hearing* [Doc. 1378] (the “Motion to Extend Proof of Claim Deadline”). In support of this joinder, the Ad Hoc Group of C-Store Operators respectfully state as follows:

JOINDER

1. The Ad Hoc Group of C-Store Operators hereby join in, support the positions set forth in, and adopt all the arguments made in the Motion to Extend Proof of Claim Deadline and reserve all rights to be heard before the Court.

2. Moreover, the Ad Hoc Group of C-Store Operators need additional time to prepare their 48 proofs of claim. The group was formed in mid-July, at which time counsel was retained. The focus was immediately on their objection to the cure amounts asserted by the Debtors.

¹ A complete list of each of the Debtors in these Chapter 11 cases may be obtained on the website of the Debtors' claims and noticing agent at www.kccllc.net/mountainexpressoil. The location of Debtor Mountain Express Oil Company's principal place of business and the Debtors' service address in these Chapter 11 cases is 3650 Mansell Road, Suite 250, Alpharetta, GA 30022.

3. Since that time, the Debtors' sale process has failed, and a chapter 11 trustee has now been appointed. Whether the Debtors cases will convert to Chapter 7 remains to be seen. If claims were filed by the current bar date and conversion occurred shortly thereafter, the Ad Hoc Group of C-Store Operators would, as permitted by 11 U.S.C. § 348(d) and Fed. R. Bankr. P. 1019(2)(A), amend their claims to add post-petition, pre-conversion amounts owed, resulting from the Debtors' post-petition failures to supply fuel and other breaches.² An extension of the current deadline to file claims may eliminate the necessity and cost of multiple filings.

4. For these reasons and the reasons set forth in the Motion to Extend Proof of Claim Deadline, the deadline to file proofs of claims in these jointly-administered cases should be extended.

RESERVATION OF RIGHTS

5. This Joinder is without prejudice to, and the Ad Hoc Group of C-Store Operators hereby fully reserve, the right to raise additional arguments in respect to the Motion to Extend Proof of Claim Deadline.

CONCLUSION

6. For the reasons set forth in the Motion to Extend Proof of Claim Deadline and herein, the Ad Hoc Group of C-Store Operators hereby respectfully join the Motion to Extend Proof of Claim Deadline, request that the Court grant it and such other and further relief as the Court deems just and appropriate.

² The Ad Hoc Group of C-Store Operators reserves their rights to seek administrative claims for these amounts under 11 U.S.C. § 503(b).

Dated: August 24, 2023

Respectfully submitted,

By: /s/ Rachel T. Kubanda
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ATTORNEYS FOR THE AD HOC GROUP OF
C-STORE OPERATORS

CERTIFICATE OF SERVICE

The undersigned hereby certifies that, on August 24, 2023, a copy of the foregoing document served to all parties entitled to receive notices through the Court's electronic notification system as permitted by Local Rules of the U.S. Bankruptcy Court for the Southern District of Texas:

/s/ Rachel T. Kubanda
Rachel T. Kubanda